

AMENDED IN ASSEMBLY MAY 26, 2000

AMENDED IN ASSEMBLY MAY 1, 2000

AMENDED IN ASSEMBLY APRIL 13, 2000

AMENDED IN ASSEMBLY APRIL 4, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

## ASSEMBLY BILL

**No. 2522**

**Introduced by Assembly Member Shelley**

February 24, 2000

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An act to add ~~Sections 164.57 and 887.5~~ *Section 164.58* to the Streets and Highways Code, and to amend Sections 1666, 11219, 21950, 21953, 21955, 21956, and 42001 of, and to add Sections 21949, 21970, and 42001.17 to, the Vehicle Code, relating to vehicles.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2522, as amended, Shelley. Vehicles: pedestrians: bicyclists.

(1) Existing law requires the driver of a vehicle to yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as specified.

This bill would prohibit any person from stopping a vehicle in a manner that causes the vehicle to block a marked or unmarked crosswalk or sidewalk without leaving a specified clearance. The bill would thereby create a new crime and impose a state-mandated local program.

The bill would require the department to include at least one question in each test of an applicant's knowledge and understanding of the provisions of the Vehicle Code, as administered by the department, to verify that the applicant has read and understands the rights of pedestrians.

The bill would impose a mandatory penalty of \$100 for a first conviction of violating a specified provision that prohibits the driver of a vehicle from overtaking and passing a vehicle that has stopped at a marked or unmarked crosswalk to permit a pedestrian to cross the roadway.

The bill would create the Pedestrian Safety Account in the State Transportation Fund and would make the funds in the account available, upon appropriation by the Legislature, for allocation by the Department of Transportation to local governmental agencies approved for grants to undertake pedestrian safety improvement projects, including projects designed to improve facilities for pedestrians and bicyclists in areas where need has been demonstrated by high pedestrian injuries or fatalities.

The bill would express the intent of the Legislature that, in making the above allocation, the Department of Transportation consult with the Department of the California Highway Patrol.

~~The bill would require the Department of Transportation to develop a statewide pedestrian plan and integrate it with the existing bicycle plan to create a California NonMotorized Transportation Plan that would include construction of on-street and off-street bicycle and pedestrian facilities, goals for increasing walking and bicycling and decreasing pedestrian and bicycle fatalities and injuries, and a detailed report on the actions taken to meet these goals.~~

~~The bill would require the Department of Transportation to compile detailed annual statistics for pedestrian fatalities and injuries occurring on state-owned highways and include those statistics in an annual report that the bill would require the department to submit to the Legislature.~~

(2) Existing law requires the Director of Motor Vehicles to prescribe rules and regulations for traffic violator schools regarding, among other things, the conduct of courses of education including the curriculum.



This bill would require the curriculum to include the rights and duties of motorists as they pertain to pedestrians.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. This act shall be known and may be cited  
2 as the Pedestrian Safety Act of 2000.

3 SEC. 2. The Legislature hereby finds and declares all  
4 of the following:

5 (a) Pedestrians account for more than 20 percent of all  
6 traffic fatalities in California.

7 (b) Pedestrian fatalities are the second leading cause  
8 of accidental death for California children five to twelve  
9 years of age.

10 (c) Nearly 5,000 pedestrians are injured every year on  
11 California's streets and highways.

12 (d) Pedestrian safety projects currently receive less  
13 than one percent of all transportation funding in  
14 California.

15 (e) It is in the best interest of the people of the State  
16 of California that the Legislature adopt policies that  
17 address pedestrian safety and recognize the priority of  
18 pedestrian safety projects in overall transportation  
19 spending.

20 SEC. 3. Section ~~164.57~~ 164.58 is added the Streets and  
21 Highways Code, to read:

22 ~~164.57.—~~

23 164.58. (a) The Pedestrian Safety Account is hereby  
24 created in the State Transportation Fund. The funds in  
25 the account shall be available, upon appropriation by the  
26 Legislature, for allocation by the department to local  
27 governmental agencies approved for grants to undertake

1 pedestrian safety improvement projects, including, but  
2 not limited to, projects designed to improve facilities for  
3 pedestrians and bicyclists in areas where need has been  
4 demonstrated by a high rate of pedestrian injuries or  
5 fatalities.

6 (b) It is the intent of the Legislature that the  
7 department, in allocating funds pursuant to subdivision  
8 (a), consult with the Department of the California  
9 Highway Patrol.

10 ~~SEC. 4. Section 887.5 is added to the Streets and~~  
11 ~~Highways Code, to read:~~

12 ~~887.5. (a) The department shall develop a statewide~~  
13 ~~pedestrian plan and integrate it with the existing bicycle~~  
14 ~~plan to create a California NonMotorized Transportation~~  
15 ~~Plan that shall include, but need not be limited to, all of~~  
16 ~~the following:~~

17 ~~(1) Construction of on-street and off-street bicycle and~~  
18 ~~pedestrian facilities including, but not limited to, trails~~  
19 ~~and greenways.~~

20 ~~(2) Goals for increasing walking and bicycling and~~  
21 ~~decreasing pedestrian and bicycle fatalities and injuries;~~  
22 ~~and a detailed report on the actions taken to meet these~~  
23 ~~goals including, but not limited to, an accounting of funds~~  
24 ~~spent exclusively on nonmotorized projects.~~

25 ~~(3) A requirement for an annual nonmotorized~~  
26 ~~transportation report to the Legislature.~~

27 ~~(b) The department shall compile detailed annual~~  
28 ~~statistics for pedestrian fatalities and injuries occurring on~~  
29 ~~state-owned highways. The statistics shall include~~  
30 ~~detailed descriptions of location and severity of incidents~~  
31 ~~by individual highway segment, with an emphasis on~~  
32 ~~state highways that serve as residential streets. The~~  
33 ~~department shall identify the 25 most dangerous highway~~  
34 ~~segments based on pedestrian fatality and injury data and~~  
35 ~~shall recommend and implement pedestrian safety~~  
36 ~~projects intended to reduce pedestrian fatalities and~~  
37 ~~injuries without impeding legal pedestrian traffic flow~~  
38 ~~and existing pedestrian rights-of-way. The pedestrian~~  
39 ~~fatality and injury statistics and recommended actions~~

1 ~~shall be included in the annual report required under~~  
2 ~~paragraph (3) of subdivision (a).~~

3 ~~SEC. 5.—~~

4 SEC. 4. Section 1666 of the Vehicle Code is amended  
5 to read:

6 1666. The department shall do all of the following:

7 (a) Include at least one question in each test of an  
8 applicant's knowledge and understanding of the  
9 provisions of this code, as administered pursuant to  
10 Section 12804 or 12814, to verify that the applicant has  
11 read and understands the table of blood alcohol  
12 concentration published in the Driver's Handbook made  
13 available pursuant to subdivision (b) of Section 1656. In  
14 order to minimize costs, the question or questions shall be  
15 initially included at the earliest opportunity when the test  
16 is otherwise revised or reprinted.

17 (b) Include with each driver's license or certificate of  
18 renewal and each vehicle registration renewal mailed by  
19 the department, information that shows with reasonable  
20 certainty the amount of alcohol consumption necessary  
21 for a person to reach a 0.08 percent blood alcohol  
22 concentration by weight.

23 (c) Include at least one question in each test of an  
24 applicant's knowledge and understanding of the  
25 provisions of this code as administered pursuant to  
26 Section 12804 or 12814, to verify that the applicant has  
27 read and understands the rights of pedestrians. In order  
28 to minimize costs, the question or questions shall be  
29 initially included at the earliest opportunity when the test  
30 is otherwise revised or reprinted.

31 ~~SEC. 6.—~~

32 SEC. 5. Section 11219 of the Vehicle Code is amended  
33 to read:

34 11219. The director may prescribe rules and  
35 regulations for traffic violator schools regarding the  
36 conduct of courses of education including curriculum,  
37 facilities, and equipment. The curriculum shall include,  
38 but is not limited to, the rights and duties of a motorist as  
39 they pertain to pedestrians. The director may also

1 prescribe rules and regulations for the conduct of  
2 instructor training courses.

3 ~~SEC. 7.—~~

4 *SEC. 6.* Section 21949 is added to the Vehicle Code, to  
5 read:

6 21949. (a) The Legislature hereby finds and declares  
7 that it is policy of the State of California that safe and  
8 convenient pedestrian travel and access, whether by foot,  
9 wheelchair, walker, or stroller, is a basic civil right that  
10 should not be denied to any resident of the state.

11 (b) In accordance with the policy declared under  
12 subdivision (a), it is the intent of the Legislature that all  
13 levels of government in the state, particularly the  
14 Department of Transportation, do everything feasible to  
15 provide convenient and safe passage for pedestrians on  
16 and across all streets and highways, increase levels of  
17 walking and pedestrian travel, and reduce pedestrian  
18 fatalities and injuries.

19 ~~SEC. 8.—~~

20 *SEC. 7.* Section 21950 of the Vehicle Code is amended  
21 to read:

22 21950. (a) The driver of a vehicle shall yield the  
23 right-of-way to a pedestrian crossing the roadway within  
24 any marked crosswalk or within any unmarked crosswalk  
25 at an intersection, except as otherwise provided in this  
26 chapter.

27 (b) This section does not relieve a pedestrian from the  
28 duty of using due care for his or her safety. No pedestrian  
29 may suddenly leave a curb or other place of safety and  
30 walk or run into the path of a vehicle that is so close as to  
31 constitute an immediate hazard. No pedestrian may  
32 unnecessarily stop or delay traffic while in a marked or  
33 unmarked crosswalk.

34 (c) The driver of a vehicle approaching a pedestrian  
35 within any marked or unmarked crosswalk shall exercise  
36 all due care and shall reduce the speed of the vehicle or  
37 take any other action relating to the operation of the  
38 vehicle as necessary to safeguard the safety of the  
39 pedestrian.



(d) Subdivision (b) does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within any marked crosswalk or within any unmarked crosswalk at an intersection.

(e) For the purposes of this section, a person shall be considered to be within a marked crosswalk if that person is in the roadway and is within three feet of the marking nearest the person.

~~SEC. 9.—~~

*SEC. 8.* Section 21953 of the Vehicle Code is amended to read:

21953. Whenever any pedestrian crosses a roadway other than by means of a pedestrian tunnel or overhead pedestrian crossing, that pedestrian shall yield the right-of-way to all vehicles on the highway so near as to constitute an immediate hazard.

This section shall not be construed to mean that a marked crosswalk, with or without a signal device, cannot be installed where a pedestrian tunnel or overhead crossing exists.

~~SEC. 10.—~~

*SEC. 9.* Section 21955 of the Vehicle Code is amended to read:

21955. Between adjacent intersections controlled by traffic control signal devices or by police officers, pedestrians may not cross the roadway at any place except in a crosswalk, unless the distance between the adjacent intersections is more than one-quarter mile.

~~SEC. 11.—~~

*SEC. 10.* Section 21956 of the Vehicle Code is amended to read:

21956. (a) No pedestrian may walk upon any roadway outside of a business or residence district otherwise than close to his or her left-hand edge of the roadway.

(b) A pedestrian may walk close to his or her right-hand edge of the roadway if a crosswalk or other means of safely crossing the roadway is not available or if existing traffic or other conditions would compromise the safety of a pedestrian attempting to cross the road.

1 ~~SEC. 12.~~—

2 *SEC. 11.* Section 21970 is added to the Vehicle Code,  
3 to read:

4 21970. No person may stop a vehicle in a manner that  
5 causes the vehicle to block a marked or unmarked  
6 crosswalk or sidewalk without leaving a minimum  
7 clearance of five feet for safe and adequate passage by  
8 pedestrians or wheelchairs.

9 ~~SEC. 13.~~—

10 *SEC. 12.* Section 42001 of the Vehicle Code is  
11 amended to read:

12 42001. (a) Except as provided in Section 42000.5,  
13 42001.1, 42001.2, 42001.3, 42001.5, 42001.7, 42001.8, 42001.9,  
14 42001.11, 42001.12, 42001.14, 42001.15, 42001.16, or  
15 subdivision (a) of 42001.17, or subdivision (b) or (c) of  
16 this section, or Article 2 (commencing with Section  
17 42030), every person convicted of an infraction for a  
18 violation of this code or of any local ordinance adopted  
19 pursuant to this code shall be punished as follows:

20 (1) By a fine not exceeding one hundred dollars  
21 (\$100).

22 (2) For a second infraction occurring within one year  
23 of a prior infraction which resulted in a conviction, a fine  
24 not exceeding two hundred dollars (\$200).

25 (3) For a third or any subsequent infraction occurring  
26 within one year of two or more prior infractions which  
27 resulted in convictions, a fine not exceeding two hundred  
28 fifty dollars (\$250).

29 (b) Every person convicted of a misdemeanor  
30 violation of Section 2800, 2801, or 2803, insofar as they  
31 affect failure to stop and submit to inspection of  
32 equipment or for an unsafe condition endangering any  
33 person, shall be punished as follows:

34 (1) By a fine not exceeding fifty dollars (\$50) or  
35 imprisonment in the county jail not exceeding five days.

36 (2) For a second conviction within a period of one  
37 year, a fine not exceeding one hundred dollars (\$100) or  
38 imprisonment in the county jail not exceeding 10 days, or  
39 both that fine and imprisonment.

(3) For a third or any subsequent conviction within a period of one year, a fine not exceeding five hundred dollars (\$500) or imprisonment in the county jail not exceeding six months, or both that fine and imprisonment.

(c) A pedestrian convicted of an infraction for a violation of this code or any local ordinance adopted pursuant to this code shall be punished by a fine not exceeding fifty dollars (\$50).

(d) Notwithstanding any other provision of law, any local public entity that employs peace officers, as designated under Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, the California State University, and the University of California may, by ordinance or resolution, establish a schedule of fines applicable to infractions committed by bicyclists within its jurisdiction. Any fine, including all penalty assessments and court costs, established pursuant to this subdivision shall not exceed the maximum fine, including penalty assessment and court costs, otherwise authorized by this code for that violation. If a bicycle fine schedule is adopted, it shall be used by the courts having jurisdiction over the area within which the ordinance or resolution is applicable instead of the fines, including penalty assessments and court costs, otherwise applicable under this code.

~~SEC. 14.—~~

*SEC. 13.* Section 42001.17 is added to the Vehicle Code, to read:

42001.17. Notwithstanding any other provision of law, every person convicted of an infraction for a violation of Section 21951 shall be punished as follows:

(a) For the first infraction, by a fine of one hundred dollars (\$100).

(b) For a second infraction for a violation of Section 21951 occurring within one year of a prior infraction of violating of that section that resulted in a conviction, by a fine not exceeding two hundred dollars (\$200), as provided in paragraph (2) of subdivision (a) of Section 42001.

1 (c) For a third or any subsequent infraction for a  
2 violation of Section 21951 occurring within one year of  
3 two or more prior infractions of violating that section that  
4 resulted in convictions, by a fine not exceeding two  
5 hundred fifty dollars (\$250), as provided in paragraph (3)  
6 of subdivision (a) of Section 42001.

7 ~~SEC. 15.~~—

8 *SEC. 14.* No reimbursement is required by this act  
9 pursuant to Section 6 of Article XIII B of the California  
10 Constitution because the only costs that may be incurred  
11 by a local agency or school district will be incurred  
12 because this act creates a new crime or infraction,  
13 eliminates a crime or infraction, or changes the penalty  
14 for a crime or infraction, within the meaning of Section  
15 17556 of the Government Code, or changes the definition  
16 of a crime within the meaning of Section 6 of Article  
17 XIII B of the California Constitution.

